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FM AMEMBASSY LISBON
TO RUEHC/SECSTATE WASHDC IMMEDIATE 6378
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY
RUEHLO/AMEMBASSY LONDON PRIORITY 0331
RUEHVI/AMEMBASSY VIENNA PRIORITY 0160
RUEHVL/AMEMBASSY VILNIUS PRIORITY 0131

S E C R E T SECTION 01 OF 02 LISBON 002720

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E.O. 12958: DECL: 10/10/2017
TAGS: [PREL](#) [PTER](#) [PO](#)
SUBJECT: AMBASSADOR WILLIAMSON SEEKS PORTUGUESE SUPPORT ON
GTMO DETAINEES

REF: VIENNA 2629

Classified By: POLITICAL/ECONOMIC COUNSELOR MATT HARRINGTON FOR REASONS
1.4 (B) AND (d).

Summary

1. (S/NF) Ambassador Williamson (S/WCI) met on October 10 with senior MFA leadership to seek Portuguese agreement to accept some Guantanamo detainees. He emphasized that Portuguese acceptance of even a limited number of individuals as a humanitarian gesture might provide cover for other EU Member States to follow suit and help us make progress toward a shared goal -- closure of Guantanamo. The Foreign Ministry's legal advisor, Luis Tavares, underlined the legal challenges this request posed for Portugal but underlined that it would be political will, not legal issues, that would drive Portugal's decision on this issue. FM Amado's diplomatic advisor underlined the great sensitivity of this issue for Portugal's leadership (given lingering distrust in some quarters over whether the government was honest in responding to questions about CIA overflights and renditions), but he said the GOP would like to be able to help us close Guantanamo. The Portuguese side made no commitments but appears genuinely inclined to help. End Summary.

2. (S/NF) Ambassador Williamson met on October 10 with Foreign Ministry legal advisor Luis Tavares; FM Amado's diplomatic advisor Paulo Lourenco; and the legal advisor in FM Amado's Cabinet, Isabel Moreira. Williamson was accompanied by Ambassador Hoffman, the DCM, pol/econ counselor, and S/WCI staffer Matt Lavine.

What We're Looking For

3. (S/NF) Williamson explained that the United States is looking to resettle in third countries approximately 25 Guantanamo detainees from countries with problematic human rights records, and is hoping close allies such as Portugal will agree to accept at least some of the individuals. He noted that he had just come from Vienna, where the Chancellor's national security advisor had indicated Austria's willingness to accept some detainees, if other European governments agreed to do the same. The Austrian official had said a decision by Portugal, as current EU president, to accept some individuals would provide necessary cover for Austria and perhaps other Member States to follow suit. The Austrians told Williamson that their Chancellor planned to raise this issue on the margins of the informal EU heads of government meeting in Lisbon October 18-19.

14. (S/NF) MFA legal advisor Luis Tavares said he would need to discuss with FM Amado whether there is political will for such an exercise while cautioning that Portugal's legal framework would likely pose certain (unspecified) difficulties. He noted that Portuguese law provides for prosecution of those who commit crimes against humanity. Ambassador Williamson replied that the individuals in question had been assessed to pose a relatively low security risk, so the U.S. would not request they be detained or tried. He said the detainees could likely be treated similarly to refugees or asylum seekers. Tavares said Portugal would have to assess the individuals case-by-case, and he asked for detailed biographic information on the individuals in question. He noted the political implications of our request and reiterated that he would need to discuss the matter with the Foreign Minister. "This is a very sensitive matter," he said.

15. (S/NF) Saying "we hope this is an issue on which we can help," FM Amado's diplomatic advisor, Paulo Lourenco, asked what role we envisioned for the EU. Did the U.S. intend to collaborate with Europe in devising a common policy approach on such matters, or was the United States primarily looking to Europe to provide assistance in resettling detainees? More the latter, Williamson replied. Acceptance of even a small number of detainees by individual European countries as a humanitarian gesture would help enormously. The individuals in question cannot be sent back to their home countries, because they are likely to be mistreated. That is why we are looking to friends such as Portugal to help -- we see this very much as a humanitarian effort. Some have

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argued that, if a few EU Member States step forward, then it might be easier for Europe as a whole to help, Williamson noted. Any effort to devise a common EU approach, Lourenco warned, would be risky. On one hand, a common EU-wide policy on accepting detainees would provide cover for Member States for which this is a sensitive issue domestically. On the other hand, those very same Member States may block efforts to secure agreement on a consensus approach because of those domestic considerations.

16. (S/NF) FM Amado's legal advisor, Isabel Moreira, asked why the detainees are not being resettled in the United States. Williamson noted that some 150 detainees at Guantanamo constitute a core group of "the worst of the worst" with whom the United States is likely stuck, and who will likely face some sort of judicial process. The United States is already doing a lot by accepting responsibility for dealing with these individuals. Other detainees, however, are low risk and can be fairly easily integrated, and we are hoping our friends agree to take them as a humanitarian gesture. If Portugal is able to accept even one or two, it would help us move toward closing Guantanamo -- something Europe has demanded for some time -- and would receive a very favorable reaction in the human rights community.

17. (S/NF) Tavares noted that EU legal advisors planned on October 31 to share with John Bellinger a proposed legal framework for a new transatlantic humanitarian policy. He asked whether the Guantanamo request might be presented as a piece of that package. Williamson replied that he had no objection to doing so but expressed concern that changing the legal framework would take time, and we prefer not to keep the GTMO detainees in abeyance in the meantime. Tavares pressed, saying it might be useful "from the European perspective" if the two processes were linked.

18. (S/NF) Lourenco said the Portuguese delegation had taken "very good note of your comments." He thought it was a good idea for the Austrian Chancellor to raise the issue on the margins of the informal European heads of government meeting

in Lisbon October 18-19. He underlined, however, that this remains an "enormously sensitive issue" for Portugal and other Member States. Everyone wants Guantanamo to be closed, because it has been an irritant in the transatlantic relationship. The humanitarian argument is a powerful one, he said. He said he would let the Prime Minister's office know the issue might come up at the heads of government gathering.

¶9. (S/NF) In conclusion, Lourenco said it would be a good thing if the EU worked with the United States in closing Guantanamo. Working toward that end, however, would reopen old wounds and public criticisms, so we have to be very careful how we do it, he said. Williamson promised to share biographic information on the detainees which would make clear the kinds of people we are talking about.

Comment

¶10. (S/NF) This is indeed a difficult political issue for the Portuguese government, which has been criticized (unjustifiably so, in our view) by a crusading Euro-parliamentarian for not being forthright in addressing accusations involving alleged CIA overflights and renditions.

Nonetheless, we believe they want to be helpful. Both Tavares and Lourenco stressed several times they consider this more a political issue than a legal one, implying that the lawyers will find a way to support whatever decision the political leadership makes. Subsequent to this meeting, we shared detailed bio information on the detainees provided by S/WCI, and Ambassador Hoffman will press FM Amado for a positive decision in a one-on-one lunch on October 24.

¶11. (S/NF) Lourenco told us subsequently that the Austrians did not raise this issue on the margins of the informal European Council summit in Lisbon October 18-19.

¶12. (U) Ambassador Williamson cleared this cable.

Hoffman